

HAMILTON COUNTY COURT  
OF COMMON PLEAS  
CIVIL DIVISION  
1000 MAIN STREET,  
CINCINNATI, OHIO 45202.

ORIGINAL

A2101733

JAMES SULLIVAN  
3556 Wilson Ave,  
Cincinnati, OH 45229.  
Plaintiffs,

Vs.

John Vogt William Horsley  
Scott Crowley  
Defendant

Case No \_\_\_\_\_

MALICIOUS PROSECUTION  
COMPLAINT FOR DAMAGES

I, James Sullivan is one of the People of Ohio, and in this court of record in the above-captioned matter, under oath do hereby state and depose, my statement is made on personal firsthand knowledge and I am competent to do so. I have made this statement in the State of Ohio in the, County of Hamilton.

PARTIES



D131978437 INI

Plaintiff Irish Native American, James Sullivan is o  
the State of Ohio and is a resident within Hamilton County District. At all relevant  
times,  
Defendant John Vogt; William Horsley, Scott Crowley is presently or have been  
representing Cincinnati Fire and Police department operating under color of state

CLERK OF COURTS  
HAMILTON COUNTY, OH  
COMMON PLEAS

2021 MAY 19 P 3:35  
FILED



VERIFY RECORD

## **BACKGROUND FACTS**

1. On or about May 2020, including on May 20, 2020, the residence located at 3556 Wilson Ave Cincinnati Ohio
2. At all relevant times, all actions taken by all of the Defendants herein were undertaken under color and authority of state Law and city ordinance.
3. John Vogt; William Horsley, Scott Crowley exceeded their Authority.
4. Fire Inspector Mathew Lohman called 911 more than seven minutes before arrival from adjacent lot.
5. Fire Inspector Mathew Lohman starts to make false statements to Cincinnati Aided Dispatch before he got to 3556 Wilson Ave Cincinnati.
6. Fire Inspector Mathew Lohman and was the direct and proximate result of the failure to properly train himself of the Cincinnati Police and Fire Department policy and Ohio Fire Code Regulations and ORC, indifference to the rights, of those with whom they interact, including James Sullivan.
7. Fire Inspector Mathew Lohman was informed what to do by an experienced fire Inspector but insisted on calling in what Lieutenant Mathew Lohman called "My Specialist"
8. Fire Inspector Mathew Lohman made threats and helicopter around the site trying to coordinate unlicensed Fire Inspectors while Fire Inspector Mathew Lohman instigated the complete fake call, he calls in himself.
9. Fire Inspector Mathew Lohman leaves the site and watches as the Police that he admitted calling. The Police damage Mr. Sullivan's injured leg. As Fire Inspector

Mathew Lohman watches. Mr. Sullivan's BBQ that was well within code. Fire Inspector Mathew Lohman still refused to identify himself as Mr. Sullivan's was on the ground handcuffed and Mathew Lohman was very slow to respond to Mr. Sullivan's medical needs.

10. Fire Inspector Mathew Lohman had another firefighter wear his jacket with Fire Inspector Mathew Lohman name on it and the balding unknown firefighter responded as Lieutenant Lohman
11. Fire Inspector Mathew Lohman continued to induce panic at Mr. Sullivan's BBQ.
12. Fire Inspector Mathew Lohman continued to harass Mr. Sullivan's for 30 minutes  
Knowing Mr. Sullivan BBQ was in compliance.
13. John Vogt; William Horsley, Scott Crowley continued the fraud as no notice or orders existed John Vogt; William Horsley, Scott Crowley all violated RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR The prosecutor in a criminal case shall not do any of the following: (a) pursue or prosecute a charge that the prosecutor knows is not supported by probable cause; (b) [RESERVED] (c) [RESERVED] (d) fail to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, fail to disclose to the defense all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by an order of the tribunal; (e) subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes all of the following apply: (1) the information sought is not protected from disclosure by any applicable privilege; (2)

the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; (3) there is no other feasible alternative to obtain the information. (f) [RESERVED] Comment

## **FIRST CAUSE OF ACTION**

### **ORC 3737.85**

14. Fire Inspector Mathew Lohman attempted to execute an impromptu inspection and worked in concert with David Mingo and deprived Mr. Sullivan of his right to a hearing per ORC 119.01 Defendant Fire Inspector Mathew Lohman did not conform to **ORC 3737.85** John Vogt; William Horsley, Scott Crowley, knew of this fact or should have known

#### **Section 3737.85 | states rules for giving notice or serving notice.**

- (A) The owner of a building or premises receives notice before any action is taken with respect to that building or premises;
- (B) The person responsible by law for a violation of the state fire code receives notice of such violation;
- (C) The person responsible by law for any violation is given notice of and the opportunity for a hearing as provided in this chapter.

## **SECOND CAUSE OF ACTION**

### **(Deprivation of Civil Rights, 42 U.S.C. § 1983)**

15. Plaintiffs incorporate by reference all of the foregoing paragraphs as if fully restated herein. In view of all the circumstances surrounding the foregoing incident at 3556

Wilson Ave Cincinnati Ohio on May 20, 2020, a reasonable person would have believed Mr. Sullivan was not free to leave from their encounter with Officer unlicensed Fire Inspector Savon Kelsey and Officer Morgan St John, After Mr. Sullivan repeated contentions to Lieutenant Lohman to write said violation Lieutenant Lohman never did. Unlicensed Fire Inspector Savon Kelsey and Officer Morgan St John, and all fireman left Mr. Sullivan. Savon Kelsey and Officer was told to watch firemen. Officer Morgan St John on her own then returned to enforce, some imagery line she had in her head, Officer Morgan St John Jared Mr. Sullivan open heart surgery wound and healing broken leg. In an attempt to deescalate Mr. Sullivan surrendered to the force of Officer Morgan St John, then Morgan St John took Mr. Sullivan cane and in excruciating pain Mr. Sullivan dropped to the gravel.

16. Fire Inspector Mathew Lohman's "Specialist David Mingo" was an unlicensed Fire Inspector Officer Nicolas Ivanovic and "unlicensed Specialist David Mingo" just fabricated a charge after talking with the unlicensed Fire Inspector David Mingo, Inspector David Mingo then showed he had no idea what section 11 in the city code was, if fact it was the building code, unlicensed Fire Inspector David Mingo did not have a tape measure and just did not know any correct code.

#### **LAW OF THE CASE**

17. The law of this case is further decreed:
18. John Vogt; William Horsley, Scott Crowley continued the fraud as no notice or orders existed John Vogt; William Horsley, Scott Crowley all violated RULE 3.8: SPECIAL

RESPONSIBILITIES OF A PROSECUTOR The prosecutor in a criminal case shall not do any of the following: (a) pursue or prosecute a charge that the prosecutor knows is not supported by probable cause; (b) [RESERVED] (c) [RESERVED] (d) fail to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, fail to disclose to the defense all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by an order of the tribunal; (e) subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes all of the following apply: (1) the information sought is not protected from disclosure by any applicable privilege; (2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; (3) there is no other feasible alternative to obtain the information. (f) [RESERVED] Comment

19. ORC 3737.85 The fire marshal shall, as part of the state fire code, adopt rules for giving notice to or serving a citation or order upon a responsible person, to assure that:
- (A) The owner of a building or premises receives notice before any action is taken with respect to that building or premises;
  - (B) The person responsible by law for a violation of the state fire code receives notice of such violation;
  - (C) The person responsible by law for any violation is given notice of and the opportunity for a hearing as provided in this chapter.

20. ORC 3737.64 Section 3737.64 | Disclosing purpose of non-official inspection. No

person who is not a certified fire safety inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.

21. 18 U.S. Code § 1001 - Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent

statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism

(as defined in section 2331), imprisoned not more than 8 years, or both.

22. (Deprivation of Civil Rights, 42 U.S.C. § 1983) Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

23. Section 3737.34 | Fire safety inspector certificate. No person shall serve as a fire

safety inspector for any fire agency unless he has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing his satisfactory completion of a fire safety inspector training program.

24. ORC 2913.01 No person shall serve as a fire safety inspector for any fire agency unless he has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing his satisfactory completion of a fire safety inspector training program.

(A) "Deception" means knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(B) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover



it;

25. If any claim, statement, fact, or portion in this action is held inapplicable or not valid, such decision does not affect the validity of any other portion of this action. The singular includes the plural and the plural the singular.

26. The present tense includes the past and future tenses; and the future the present, and the past the present. If any claim, statement, fact, or portion in this action is held inapplicable or not valid, such decision does not affect the validity of any other portion of this action. The singular includes the plural and the plural the singular.

27. The present tense includes the past and future tenses; and the future the present, and the past the present.

18. The masculine gender includes the feminine and neuter.

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

On all counts:

19. For general because it was wanton and willful damages in the sum of \$5,000,000.00 plus \$ 1.23 per person in Hamilton county that was handed to Mr. Horsley in open court on July 07, 2020 total is of  $294 + 5 = 299,000,000.00$  million

20. For medical and related expenses;

21. For loss of earnings according to proof;

22. For interest as allowed by law;

23. For costs of suit incurred and attorney's fees; and

24. For such other and further relief as the court may deem proper.

25. As a further direct and legal result of the actions of Mathew Lohman, Plaintiff incurs, and continues to incur, medical and related expenses. Plaintiff does not know at this time the

exact amount of medical expenses that are incurring. When Plaintiff has ascertained this amount, Plaintiff will seek leave of court, orally or in writing, to amend this complaint to insert this amount.

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

May 20, 2021, Cincinnati, Ohio

  
James Sullivan

A2101733

Don VOGT

801 PLUM ST #226

CINCINNATI, OH 45202

WILLIAM HOLLAND

801 PLUM ST #226

CINCINNATI, OH 45202

SCOTT CRAMER

1752 E. COMPTON ST #202

CINCINNATI, OH 45210

45202

CLERK OF COURTS  
HAMILTON COUNTY, OH  
COMMON PLEAS

2021 MAY 19 P 3:34

FILED

Section 2917.31 | Inducing panic.

Section 2917.31

